

## **Title 10**

### **VEHICLES AND TRAFFIC**

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#### **Chapter 10.04 GENERAL REQUIREMENTS**

##### **10.04.010 Applicability**

The provisions of this title prohibiting the standing, stopping, or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs, except when necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police employee or official traffic control device. The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the standing, stopping, or parking of vehicles in specified places or at specified times.

##### **10.04.020 Obedience to Police Officials and Traffic Regulations Required**

A. It is unlawful for any person to do any act forbidden or fail to perform any act required by this title. It is unlawful for any person to willfully fail or refuse to comply with any lawful order or direction of any police officer, police aide, or fire department official.

B. Whenever traffic signs are erected as provided in this title, every driver of a vehicle shall obey such signs unless directed to proceed by a police employee or a traffic control signal. No driver shall drive upon or through any private property such as a gas station, vacant lot, or similar property to avoid obedience to any regulation included in this title or under state law. Every person propelling any pushcart or riding an animal upon a roadway, and every person

driving any animal-drawn vehicle, shall be subject to the provisions of this chapter insofar as applicable.

## **Chapter 10.08 WORDS AND PHRASES DEFINED**

### **10.08.010 Definitions**

This section will adopt the definitions and phrases set out in Arizona Revised Statutes Section 28-101. Any additions will be for the purpose of identifying other words or phrases not included in Arizona Revised Statutes Section 28-101. The following words and phrases, when used in this code, have meanings respectively ascribed to them in this chapter:

**Abandoned vehicle:** A vehicle, trailer or semitrailer, which is operable, inoperable, or dismantled, that is of a type subject to registration under title 28 of ARS whether lost, stolen, abandoned or otherwise unclaimed and that has been abandoned on a public highway, public property or elsewhere in this state, including private property.

**Alley or Alleyway:** Lanes or passageways for use as a means of access to the rear of lots or buildings. Alleys and alleyways are not in any way to be considered thoroughfares. They are generally of a width of less than twenty five feet (25').

**City:** The City of Cottonwood, Arizona.

**Commercial Vehicle:** Every vehicle designed, maintained, or used primarily for transportation of persons or property.

**Curb Loading Zone:** A space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

**Dismantled and Partially Dismantled Vehicles:** Vehicles from which some part or parts which are ordinarily a component of such motor vehicle has been removed or is missing.

**Dwelling:** Any house, building, structure, tent, shelter, trailer or vehicle or portion thereof which is occupied in full or in part as the home, residence, living or sleeping place, or which is intended to be occupied by one or more human beings, either permanently or transiently.

**Fire Lane:** That public or private roadway, or portion of the public or private roadway, designated as a fire lane by the fire chief or his designee. Appropriate signage or other markings, as shall be approved or designated by the fire chief or his designee, shall be posted, erected, marked and maintained.

**Golf Cart:** A motor vehicle that has not less than three wheels in contact with the ground, that has an unladen weight of less than one thousand eight hundred pounds, that is designed to be and is operated at not more than twenty-five miles per hour and that is designed to carry not more than four

persons including the driver. Title 10 does not apply to a golf cart used in the operation of a golf course or only incidentally operated or moved on a road or street.

Inoperable motor vehicles: Motor vehicles which by reason of dismantling, disrepair or other causes are incapable of being propelled under their own power.

Motorcade: An organized procession containing ten (10) or more vehicles, except funeral processions, upon any public street or alley.

Police Aides: Appointed by the Chief of Police as unarmed employees or volunteers of the police department. Police aides shall be empowered to commence an action or proceeding before a court or judge for any violation of city ordinances regulating the standing or parking of vehicles.

Private road: As used in this title, shall mean any street(s) privately owned, or not owned by the city or another government entity, which are open and available for use by the general public and serves more than one residence.

Public places: Sidewalks, parks, squares, grounds, or other government owned property.

Public Roadway or Public Street: Includes a dedicated street or highway as defined in ARS 28-101.51.

Recreational Vehicle: A motor vehicle or vehicle combination that is designed and customarily used for private pleasure use. For purposes of this chapter, a recreational vehicle includes, but is not limited to, motor homes, travel trailers, boat trailers, toy haulers, and horse trailers.

Sidewalk: That portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

Stand or Standing: the halting of a vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers or property.

Stop: When required, means complete cessation from movement.

Stopping: When prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a public safety employee or traffic-control signal.

Traffic Engineer: The City Engineer or his designee.

## **Chapter 10.12 ADMINISTRATION**

### **10.12.010 Police Department Duties / Enforcement of Traffic Regulations**

A. The chief of police, officers of the police department, and such other special officers as designated by the chief of police, shall have the authority, responsibility and duty to provide for the enforcement of the street traffic regulations of the city and all of the state vehicle laws applicable to street traffic in the city, to make arrests for criminal traffic violations, to investigate accidents and to assist in developing ways and means to improve traffic conditions and to carry out all duties specially imposed upon the police department by this title. Police Aides shall be empowered to commence an action or proceeding before a court or judge for any violation of city ordinances regulating the standing or parking of vehicles.

B. Directing Traffic: Officers of the police department or such officers or aides as are assigned by the police chief are authorized to direct all traffic by voice, hand or signal, in the event of a fire or other emergency, to expedite traffic, or to safeguard pedestrians. Officers of the police department may direct traffic as conditions may require. Officers of the fire department, when at the scene of a fire, may direct or assist the police department in directing traffic at the scene or in the immediate vicinity.

#### **10.12.020 Traffic Devices Required for Enforcement Purposes**

No provision of this title for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position-or is not sufficiently legible to be seen by a reasonable person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

#### **10.12.030 Traffic Violation Record**

A. The police department shall keep a record of all violations of the traffic laws of the city or of the state vehicle laws of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall accumulate during at least a five-year period and, from that time on, the record shall be maintained complete for at least the most recent five-year period.

B. All forms for records of violations and notices shall be serially numbered. For each month and year a written record shall be kept available to the public showing the disposal of all such forms.

C. All records and reports shall be public records.

#### **10.12.040 Authority to Detain Persons to Service a Traffic Complaint**

Except as otherwise provided, any peace officer may stop and detain a person as is reasonably necessary to investigate an actual or suspected violation of this traffic title, and to serve a copy of the traffic complaint for any alleged civil or criminal violation of said title.

#### **10.12.050 Powers, Duties, and Authority of the Traffic Engineer**

- A. It shall be the duty of the traffic engineer to determine the installation and proper timing and maintenance of traffic-control devices, to determine the location of all traffic regulatory signs, crosswalks, loading zones, and bus loading zones, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigation of traffic on the streets and highways of this city, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as may be imposed by this chapter.
- B. The traffic engineer is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of this city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. The traffic engineer may erect and test traffic-control signals, markings, and signs that are under actual conditions of traffic.
- C. The traffic engineer is authorized to determine those intersections at which drivers of vehicles shall not make right or left turns and shall place proper signs so directing at intersections. Such regulation of turns may be limited to certain hours, at the discretion of the traffic engineer.
- D. The traffic engineer shall place and maintain traffic-control signs and devices when and as required under the traffic ordinances or state law. He may place and maintain such additional traffic-control devices as he may deem necessary to regulate, guide or warn traffic. Traffic signals shall be approved in advance by the city council.
- E. All traffic-control signs, signals, and devices shall conform to the Uniform Manual of Traffic Control Devices, as adopted by the Arizona Highway commission. All signs and signals required hereunder for a particular purpose shall, so far as practicable, be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of state law or this title shall be official traffic control devices.
- F. The traffic engineer shall have the authority to designate any street or alley within the city as a one-way street or alley. The traffic engineer shall place and maintain signs giving notice thereof and no one-way regulations shall be effective unless such signs are posted in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
- G. The traffic engineer is authorized to erect signs adjacent to any sidewalk or roadway prohibiting the riding or parking of bicycles thereon by any person and when such signs are in place, no person shall disobey the same.
- H. The traffic engineer shall determine and designate by proper signs or markings, parking stalls, places, or areas with the distinguishing insignia of the international wheelchair symbol

on public and private parking areas. Such stalls, places, or areas shall be specifically reserved for motor vehicles transporting a disabled person and bearing proper number plates or placard with international wheelchair symbol affixed, issued pursuant to Arizona Revised Statutes (ARS). The City traffic engineer is authorized to establish such stalls, places, or areas owned, rented or controlled by the city, or in compliance with ARS Title 28, or any other applicable law.

#### **10.12.060 Authority to Change, Alter, Etc., Traffic Devices.**

Any traffic-control devices, signs, signals or markings, or rulings, decisions or determinations heretofore or hereinafter erected or made by the traffic engineer or by the city council, pursuant to this or any other ordinance of the city, may, at any time, be changed, altered, modified, rescinded or abolished by a vote of a majority of the council, without the necessity of an amending ordinance.

### **Chapter 10.16 OPERATION OF VEHICLES**

#### **10.16.010 Duty to Obey One-Way Street and Alley Signs.**

Every person shall drive a vehicle only in the direction indicated by posted signs directing traffic on the roadway, alley or undedicated roads or driveways on City property. No person shall use an alley within the City as a thoroughfare, except authorized emergency vehicles.

#### **10.16.020 Temporary Markings**

When temporary markings, signs, barricades, or other channeling devices are placed on the city streets by the traffic engineer, police department, or fire department directing the location and direction of traffic on the street or portions thereof, regardless of the center line of the roadway, no driver of a vehicle shall disobey the directions of, or remove, such markings, signs, barricades or other channeling.

#### **10.16.030 Turning Movements / U-Turns**

The driver of any vehicle shall not turn such vehicle so as to cross the centerline or center of the roadway for the purposes of parking or to proceed in the opposite direction at any traffic signal or at a location where U-turns are prohibited by posted signs. Unless otherwise prohibited by this section or the provisions of state law, U-turns shall be allowed on streets within the city providing that such movement can be made in safety and without interfering with or impeding other traffic.

#### **10.16.040 Entering an Intersection**

No person shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control indication to proceed.

#### **10.16.050 Miscellaneous Traffic Enforcement Rules**

A. Driving on Sidewalk Prohibited: The driver of a vehicle shall not drive within any sidewalk area except at a permanent or temporary driveway.

B. Opening Vehicle Doors: No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

C. Unlawful riding:

1). It shall be unlawful for any person to be in or upon any portion of a vehicle not designed or intended for the use of passengers while that vehicle is in motion. This prohibition shall include, but not be limited to, the open cargo area of a pickup truck. This provision shall not apply to an employee engaged in the necessary discharge of a duty, nor to a person seated directly on the floor of the cargo area of a utility type truck or pickup.

2). It shall be unlawful for the driver of any vehicle to allow any person to violate the provisions of subsection C.1 above.

D. Low Water Crossings:

1). It shall be unlawful for any person to drive or otherwise allow any motor vehicle to enter any low water crossing when flooding therein, or in disregard of signage or other indications which would put a reasonable person on notice that to do so may result in the motor vehicle becoming disabled.

2.). In addition to the penalties prescribed in Chapter 10.56 Penalties of this title, any person found responsible for a violation of this section shall also be liable for restitution to any governmental entity for the costs incurred by the governmental entity as a result of any emergency response, including, but not limited to, responses by the police department and the fire department.

E. Visual Obstructions: It shall be unlawful for any person to operate a motor vehicle which has any type of visual obstruction, natural or manmade, including, but not limited to snow or ice, on any windows thereof, of such a nature as to obstruct the driver's clear view through the windshield or side or rear windows; provided, however, that this subsection shall not apply to the rear window if the motor vehicle is equipped with outside mirrors that are on both the left hand and right hand sides of the vehicle, and that are located in a manner and in such a condition as to reflect to the driver a view of the roadway through each mirror for a distance of at least two hundred feet (200') to the rear of the motor vehicle.

F. Unsafe Vehicle Operation: A person operating a motor vehicle shall be prohibited from engaging in an activity unreasonably distracting or unsafe such as, but not limited to, applying make-up, use of cellular telephone or other similar device without the use of hands-free device, or an unsecured animal in the passenger compartment. For the purpose of this section only, an unsecured animal is an animal not secured by restraints, not in a kennel, or not being held by someone within the vehicle not to include the driver. A peace officer shall not stop or issue a citation to a person operating a motor vehicle on a public or private roadway for a violation of this section unless the peace officer has reasonable cause to believe there is another alleged violation of this code or Title 28 of ARS.

G. Unsurfaced Roads: Any speed on an unsurfaced roadway in excess of twenty-five (25) miles per hour, unless otherwise posted by the traffic engineer or his designee, is prima facie evidence that the speed is too great and therefore unreasonable.

H. Private Party Tow: A motor vehicle which is parked upon any private property, private road, or any lot without the permission of the owner or person in control of that property or lot may be towed from that property or lot by the owner or person in control thereof or their agent. In the foregoing event, the owner and/or driver of such motor vehicle shall be responsible for any and all towing costs (not to exceed \$200.00) and storage costs incurred (not to exceed \$35.00 per day), which costs shall constitute a possessory lien against the vehicle. In order for this subsection to be applicable, there must be signage on that property or lot which is clearly visible and readable from within the parking area and at each entrance prohibiting parking, stating that violators are subject to tow, and indicating the address and phone number of the towing company which has towed and impounded the vehicle, and the maximum possible charges for towing and storage.

#### **10.16.060 Applicability of Certain Traffic Regulations to Private Roads**

A. A person shall not drive a vehicle on a private road at a speed greater than is reasonable and prudent under the circumstances, conditions and actual and potential hazards then existing. In every event, speed shall be so controlled as may be necessary to avoid colliding with any object, person, vehicle or other conveyance on, entering or adjacent to a private drive in compliance with legal requirements and the duty of all persons to exercise reasonable care for the protection of others.

B. Any speed on a private road in excess of fifteen (15) miles per hour, unless otherwise posted by the traffic engineer or his designee, is prima facie evidence that the speed is too great and therefore unreasonable.

#### **10.16.070 Covered and Secured Loads.**

A. A person shall not operate or move a vehicle within the City unless the vehicle load is secured or securely covered with netting fabric or other device to prevent the load from shifting, dropping, sifting, leaking or otherwise escaping from the vehicle.



B. No person shall operate a moving vehicle within the City unless it is free from any loose material such as sand, dirt, gravel, rocks, or mud. This requirement would not include dirt, mud, or snow which adheres to the vehicle while operating on a city, county or state maintained road.

C. The provisions of this section for securing or covering loads, and maintaining the vehicle free from loose materials, apply both to the primary vehicle, and any vehicle, trailer, or carrier towed by the primary vehicle.

## **Chapter 10.20 PARKING**

### **10.20.010 Methods of Parking; Parking Signs or Markings/Curbed/Uncurbed Streets**

A. Obedience to Parking Signs or Markings: On those streets and parking lots owned, rented, or controlled by the City, which have been signed or marked with lines on the ground by the City Traffic Engineer for the purpose of proper control of parking, no person shall park or stand a vehicle in disobedience of such signs or in such a position that the vehicle shall not be entirely within the space designated by such lines or markings.

B. Standing or Parking Close to Curb: Except as otherwise provided in this title, every vehicle standing or parked upon a roadway where there are adjacent curbs shall be standing or parked with the right-hand wheels of a vehicle parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and within eighteen (18) inches of the right-hand curb. Where angle parking is required, every vehicle standing or parked upon a roadway shall be standing or parked with the right front wheel within eighteen inches (18") of the right-hand curb.

C. Standing or Parking on Uncurbed Streets: Except as otherwise provided in this title, every vehicle standing or parked on an uncurbed City street shall be standing or parked as far to the right-hand side of the roadway as is practicable, parallel with the edge of the roadway, headed in the direction of lawful traffic movement.

### **10.20.020 Duty to Control Movement of Parked Vehicles.**

No person shall leave a vehicle unattended without first securing the vehicle, by the use of the emergency brake or other means, so it will not roll from a parked position.

### **10.20.030 Standing or Parking Prohibited**

A. No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a public safety officer or aide, or traffic control device:

- 1). On a sidewalk or parkway;
- 2). In front of a public or private driveway or within three (3) feet thereof;
- 3). Within an intersection or within 20 feet thereof;
- 4). In front of a fire hydrant or within fifteen (15) feet thereof;
- 5). On a crosswalk or within twenty (20) feet thereof;
- 6). Within thirty (30) feet upon the approach to any flashing beacon, stop sign, yield sign, or traffic-control signal located at the side of a roadway;
- 7). Within fifty (50) feet of the driveway entrance to any fire station and, on the side of a street opposite the entrance to any fire station, within seventy-five (75) feet of such entrance when properly posted;
- 8). Along or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
- 9). On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
- 10). Upon any bridge, tunnel, overpass, underpass or any other type of grade separation, and upon the approach to same;
- 11). In front of or within ten (10) feet of any mailbox;
- 12). To obstruct or impede traffic in any manner upon any street, highway, alleyway, or other public right-of-way.
- 13). In an alley or designated Fire Lane. An exception to this shall be delivery vehicles when loading and unloading, and they must park so as to leave available not less than ten (10) feet of the width of the alley or fire lane for the free movement of vehicular traffic and not take over twenty (20) minutes total time. Vehicles displaying state "Disabled Parking" identifying insignia may stand or park in any alley while loading or unloading persons for a period not to exceed five (5) minutes. Vehicles engaged in loading and unloading shall not remain unattended.

#### **10.20.040 Restricted Parking Areas Reserved for the Physically Disabled**

A. No person shall stop, stand or park a vehicle in a parking space set aside and identified for use only by persons with physical disabilities unless that person or his passenger is physically disabled as defined in Arizona Revised Statutes (ARS) 28-2409J.3. Any vehicle not displaying

thereon a distinguishing insignia or distinguishing number plates as provided by ARS, shall give rise to a presumption that no person or passenger therein is physically disabled.

B. A person who is chauffeuring a person with a physical disability without a placard or international symbol of access special plates may park momentarily in a parking space provided for the physically disabled for the purpose of loading or unloading the person with a physical disability, and a complaint shall not be issued to the driver for the momentary parking.

C. Subsection A of this section shall apply only to those parking spaces outlined with paint and identified with a standard sign as approved or designated by the city traffic engineer which shall be in accordance with the provisions of A.R.S. Section 28-882(c).

D. This prohibition shall apply to all roadways and properly designated public and private lots and areas within the City. The posting of such sign or signs by the owners or person having control of a parking lot or parking area shall be deemed to have authorized police and police aides to enforce the provisions of this section upon that parking lot or parking area and shall thereby constitute a waiver of any objection by the owner or person having control of the parking lot or parking area to the enforcement of this section by the police department.

E. Sanctions for violation of this Section shall be in accordance with Chapter 10.56 Penalties of this Title, provided, however, that the mandatory minimum sanction shall not be less than fifty dollars (\$50) plus amounts levied by the municipal court for penalty assessments according to Arizona State Law. Any person who violates the provisions of this section two (2) or more times within any thirty (30) day period shall be subject to an increased sanction for each second or subsequent violation within a thirty (30) day period in accordance with Chapter 10.56 Penalties, provided, however, that the mandatory minimum sanction in such event shall be not less than one hundred dollars (\$100) plus amounts levied by the municipal court for penalty assessments according to Arizona State Law for each such second or subsequent violation within a thirty (30) day period.

#### **10.20.050 Parking for Certain Purposes Prohibited**

A. No person shall park a vehicle upon any street, highway, or alleyway for the principal purpose of:

- 1). Displaying such vehicle for sale.
- 2). Washing, greasing, or repairing such vehicle, except repairs necessitated by an emergency.

B. No trucks having an overall length in excess of twenty-one (21) feet shall be parked on any street, except for the purpose and during the time of the loading or unloading of such trucks.

C. No boat or utility trailer shall be parked upon any street, highway, municipal property, or alleyway within the City except for the purpose of loading or unloading of such boat or utility trailer, not to exceed twenty-four (24) consecutive hours.

D. No motor vehicle, boat, utility trailer, or recreational vehicle shall be permitted to park upon any parking lots which are owned by the City or leased to the City for more than twenty-four (24) continuous hours, nor more than forty-eight (48) cumulative hours in any seven (7) day period.

E. No person shall park a vehicle upon any parking lot which is owned by the City or leased to the City, nor upon any property owned by or leased to the City, for the purpose of:

- 1). Displaying such vehicle for sale.
- 2). Washing, greasing, or repairing such vehicle.
- 3). Commercial advertising, unless conducting lawful business with or for the City.

F. No recreational vehicle shall be parked upon any City street, highway, public right-of-way, municipal property, or alleyway within the City except for the following purposes:

1). A recreational vehicle may be parked upon a City street, highway, public right-of-way, or alleyway which is not otherwise designated as a no-parking zone or which does not have posted time restrictions for the purpose and during the time required for the loading or unloading of such recreational vehicle, not to exceed twenty-four (24) consecutive hours, and not to exceed seventy-two (72) cumulative hours in any seven (7) day period, nor more than seven (7) cumulative days in any thirty (30) day period. For the purpose of this section a recreational vehicle shall be deemed parked on a City street for twenty-four (24) consecutive hours if the vehicle is observed parked in the same location for at least three (3) separate occasions, each of which is at least eight (8) hours apart.

#### **10.20.060 Other Restricted Parking Areas**

The Traffic Engineer shall designate restricted parking areas or zones by the use of signs, or painted curbs or both.

A. If the curb is painted red, parking shall be prohibited in the red area adjacent to the painted curbs at all times.

B. If the curb is painted yellow, the space adjacent to the curb so painted shall be used exclusively by vehicles during the loading or unloading of freight or passengers. Signs placed at either one or both ends of such zone may further restrict use of a loading zone for specific vehicles or purposes.

C. Curb markings to show a time limit restriction of less than thirty (30) minutes shall be green.

#### **10.20.070 Parking Violations; Notice Required; Judgment by Default**

Whenever a vehicle without a driver is found parked in violation of the provisions of this title, any police officer, employee, or police aide of the city designated to give such notices as a part of his official duties shall take the vehicle's registration number, and may take any other information displayed on the vehicle which may identify its user or owner, and shall conspicuously attach to the vehicle a notice of parking violation on a form supplied by the police department. The notice of parking violation shall include the date, time, and location of the violation, the vehicle registration number, reference to the city code provisions violated, and a warning that failure either to pay the fine indicated on the notice or to appear at the location indicated on the notice of parking violation and otherwise dispose of the charge within twenty (20) calendar days from the date on which the notice was issued may result in a judgment by default being entered against the registered owner of the vehicle, plus additional fees and court costs, and that the vehicle may thereafter be subject to towing and impoundment pursuant to Chapter 10.24, Towing and Impoundment of Vehicles. The notice of parking violation attached to the vehicle pursuant to this section shall be deemed constructive notice to the registered owner that the vehicle may be impounded.

#### **10.20.080 Owner's Liability for Parking Offenses**

A. The registered owner(s) of any vehicle which has been parked in violation of any of the provisions of this chapter or any other city ordinance prohibiting or restricting parking shall be responsible for such violation and subject to penalty therefore.

B. Evidence of non violation: The above section shall not prevent a person from presenting evidence in any prosecution of a parking violation that a vehicle was not improperly parked or that said vehicle was not registered to said person at the time of the offense, or said vehicle had been stolen at the time of the alleged offense. Proof that the vehicle was in the possession of another at the time of the violation is irrelevant to the substantive offense except in cases of stolen vehicles.

### **Chapter 10.24 TOWING AND IMPOUNDMENT OF VEHICLES**

#### **10.24.010 Towing and Impoundment**

A. Authorization. The police department may take charge, remove and keep in custody, under the direction of the chief of police, his officers or designated agents, any unoccupied vehicle of any kind or description violating any of the provisions of this chapter or any of the ordinances of the city or the laws of the state regulating the standing and parking of vehicles.

B. Impounded Vehicles-Release. The police department shall cause return to be made to the owner of any impounded vehicle when the owner has furnished evidence of his identity and ownership, signed a receipt and paid the cost for towing and storage fees set forth by the

commercial towing service authorized and designated to carry out such function under the direction of the police department. The payment of such removal and storage fees shall not release the owner or driver of such vehicles of any other penalty imposed for a violation of this chapter or any of the ordinances of the city or the laws of the state.

C. Impounded Vehicles-Record, Towing Service. The police department shall maintain a record of all vehicles impounded. Such records shall show the date and the location from which the vehicle was removed, the reason for such removal and impounding, and location at which the vehicle is presently stored. The police department shall further provide for adequate towing service to implement the provisions of this chapter. The police department is authorized to use a commercial towing service for the towing and storage of any impounded vehicles.

D. Sales. Motor vehicles, vehicles or parts thereof, impounded under this section may be sold by the city or disposed of as scrap when unclaimed for ninety days after removal and at least thirty days after notice has been sent by registered mail to the owner of record from the Department of Motor Vehicles.

## **Chapter 10.28 ABANDONED VEHICLES**

### **10.28.010 Abandoned Vehicles**

A. It is unlawful for anyone to leave an abandoned vehicle upon any City street, highway, public right-of-way, private road, alleyway, or property owned or leased to the City.

B. The presence of a dismantled, partially dismantled or inoperable motor vehicle or vehicle, or part of a motor vehicle or vehicle on any public area or public street, highway, public right-of-way, private road, alleyway, or property owned or leased to the City, in violation of this chapter is declared to be a public nuisance.

C. This chapter shall not be construed as repealing any ordinance now in effect or hereafter made effective relating to rubbish, litter, garbage, refuse, trash or junk, but shall be construed as supplementary to any such ordinances as well as any statutes of the state of Arizona relating thereto.

D. Any police officer or police aide who has reasonable grounds to believe that a vehicle has been lost, stolen, dismantled, partially dismantled, abandoned or otherwise unclaimed may remove or cause the removal of such vehicle from any street, public right-of-way, private road, alleyway, or property owned by or leased to the City.

E. An abandoned vehicle remaining at the same location on any City street, public right-of-way, private road, alleyway, or property owned or leased by the City, for forty-eight (48) consecutive hours, shall constitute abandonment.

F. It shall not be a violation of this section if the vehicle is parked in front of the house or residence of the owner of the vehicle, not in violation of this code, and the vehicle is not inoperable by reason of dismantling, disrepair or other causes which make it incapable of being propelled under its own power without major repair, provided that the vehicle has current license plates or tabs.

## **Chapter 10.32 BICYCLES**

### **10.32.010 Bicycle Operation**

A. Any person riding a bicycle on any City street, roadway, or private road, will do so pursuant to ARS Title 28 Article 11 Operation of Bicycles.

B. Applicability: A person riding a bicycle on a City street, roadway, right-of-way, or on a shoulder adjoining a roadway is granted all of the rights and is subject to all of the laws and duties applicable to the driver of a vehicle by this title except special rules in this title that by their nature can have no application.

C. The parent of a child or guardian of a ward shall not authorize or knowingly permit the child or ward to violate this section.

### **10.32.020 Bicycle on Sidewalk Prohibited**

A. Riding on Sidewalks Prohibited: No person shall ride a bicycle upon a sidewalk.

B. Parking a Bicycle on a Sidewalk/Street Prohibited: No person shall park a bicycle upon a street or sidewalk other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle, or at the curb in such a manner as to afford the least obstruction to pedestrian traffic.

## **Chapter 10.36 MOTORIZED PLAY VEHICLES AND MOTORIZED SKATEBOARDS**

### **10.36.010 Purpose of Provision**

The purpose of this chapter is to provide legal requirements for the operators of motorized play vehicles/motorized skateboards in an effort to promote rider and overall traffic safety.

### **10.36.020 Definitions**

For the purpose of this chapter, the following words shall have the following meanings:

Motorized play vehicle: means a coaster, scooter, or any other alternatively fueled device or other motorized vehicle that is self-propelled by motor or engine (gasoline, electric, battery, or any other similar means of propulsion) but is not defined under Arizona's Title 28 traffic laws.

Motorized skateboard: means a self-propelled device that has a motor or engine, a deck on which a person may ride, has at least two wheels designed to have contact with the ground, and is not defined as a motor vehicle or bicycle under Arizona's Title 28 traffic laws.

Operator: means a person who drives a motorized play vehicle or motorized skateboard on a public roadway, who is in actual physical control of a motorized play vehicle or motorized skateboard on a public roadway, or who is exercising control over or steering a motorized play vehicle or motorized skateboard while it is in motion on a public roadway.

### **10.36.030 Applicability of Traffic Laws**

A. Every person operating a motorized play vehicle or motorized skateboard upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle pursuant to the laws of this state declaring rules of the road applicable to the vehicles, and pursuant to the traffic regulations in this chapter, except as to those provisions, which by their very nature can have no application. All Arizona traffic laws shall apply to persons riding motorized play vehicles or motorized skateboards except as to those provisions, which by their very nature can have no application.

B. This section shall not be construed to require insurance, licensing, or registration of motorized play vehicles or motorized skateboards and it shall not be construed to require the licensing of motorized play vehicles or motorized skateboard operators.

### **10.36.040 Prohibited Operation**

A. No person shall operate on a public roadway a motorized play vehicle or motorized skateboard:

1. In violation of any Arizona traffic law except as to those provisions, which by their very nature can have no application;
2. On any sidewalk, except for use in crossing such sidewalk by the most direct route to gain access to a private road or driveway. The operator of a motorized play vehicle or motorized skateboard shall yield the right of way to all other users of the sidewalk;
3. While any other person is either on or attached to the motorized play vehicle or motorized skateboard unless the motorized play vehicle or motorized skateboard is specifically manufactured and designed for the number of riders on or attached to the vehicle at the time;
4. More than two abreast;



5. In a crosswalk.

B. No person shall operate a motorized play vehicle or motorized skateboard:

1. On any city property that is not held open for motor vehicle travel;
2. On any property of another that has been posted as an area prohibiting skateboard use or any access generally, including but not limited to "no trespassing" signs.

C. A person operating a motorized play vehicle or motorized skateboard at less than the normal flow of traffic, at the time and place and under the then existing conditions, shall ride as close as practicable to the right-hand edge of the roadway, except under the following conditions and when the movement can be made in safety:

1. If overtaking and passing a bicycle or vehicle proceeding in the same direction;
2. If preparing for a left turn at an intersection or into a private driveway;
3. If reasonably necessary to avoid hazardous conditions ahead in the roadway;
4. If the lane in which the person is operating the motorized play vehicle or motorized skateboard is too narrow for it and either a vehicle or bicycle to safely travel side by side within the lane.

#### **10.36.050 Required Safety Equipment**

A. No person shall operate a motorized play vehicle or motorized skateboard without a headlamp to the front and a red reflector to the rear anytime from sunset to sunrise or any other time when there is not sufficient light to render clearly discernible persons or vehicles on the roadway at a distance of five hundred feet ahead.

1. A headlamp shall emit a white light and be visible from the front at a distance no less than five hundred feet.
2. A rear red reflector shall be visible when illuminated by a vehicle headlamp from a distance of not less than three hundred feet.

B. No person shall operate a motorized play vehicle or motorized skateboard unless it is equipped with a brake that enables the operator to make the braked wheel(s) skid on pavement.

C. Any operator under eighteen years of age operating a motorized play vehicle or motorized skateboard on a public roadway shall at all times wear a protective helmet on his or her head in an appropriate and safely secured manner.

1. The helmet shall meet minimum standards of testing and safety for the bicycle industry. The U.S. Consumer Product Safety Commission (CPSC) establishes these standards and a helmet manufactured after 1999 carries a label stating that it meets U.S. CPSC safety standards.

2. Whereas a helmet shall meet minimum standards of testing and safety for the bicycle industry and the U.S. CPSC establishes these standards, it shall not be required that the U.S. CPSC sticker actually be affixed to the helmet.

## **Chapter 10.40 USE OF SKATEBOARDS, ROLLER SKATES, COASTERS, AND SIMILAR DEVICES RESTRICTED**

### **10.40.010 Restrictions**

A. It is unlawful for any person upon a skateboard, roller skates, or in-line skates, or riding any coaster, toy vehicle or similar non-motorized device not governed by Chapter 10.36 Motorized Play Vehicles and Motorized Skateboards of the municipal code, to go upon any roadway except:

1. When no sidewalk is present the operator of these devices must remain as far to the right side of the roadway as practicable; or

2. While crossing a street on a crosswalk and, when crossing, such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians.

B. A person shall be authorized to use a coasting or skating device on a public sidewalk. Whenever any person is riding such a coasting or skating device upon a sidewalk, such person shall yield the right of way to any pedestrian and shall give a reasonable audible signal before overtaking and passing such pedestrian.

C. No person shall operate such a coasting or skating device:

1. On any city property unless specifically authorized by the city to do so and as may be authorized above.

2. In an unsafe manner so as to infringe upon the safety of themselves or the safety of other persons or property.

## **Chapter 10.44 OFF-HIGHWAY VEHICLES (OHV)**

#### **10.44.010 Operation of OHV**

- A. OHV operation will be conducted in accordance with ARS Title 28, Chapter 3, Article 20.
- B. It is unlawful for any person to drive, ride, or use an OHV, as defined in ARS 28-1171, upon any public or private property or upon an improved public street or highway, dedicated right-of-way, or an improved private road constructed in accordance with the city standards and approved by the city, except that this section shall not apply in any of the following instances:
1. Where such vehicle is being driven, ridden or used upon property by the owner, resident or tenant of such property, or by an authorized visitor when such visitor is accompanied by or has the written authorization in his possession from the owner, resident or tenant of such property. Whenever any person is stopped by a peace officer for violation of this subsection, he shall, upon the request of such officer, display such written permission.
  2. Where such use is permitted pursuant to an off-highway special event or otherwise in accordance with the zoning regulations of the city and as allowed by ARS Title 28.
- C. It is unlawful to operate any off-highway vehicle described in this section, whether licensed or unlicensed, and whether on private or public property:
1. In a manner so as to create loud, unnecessary or unusual noise or dust pollution that disturbs or interferes with the peace and quiet of other persons; or
  2. In a careless or reckless manner as to likely endanger the safety of the operator or the safety or property of any other person;

#### **10.44.020 Equipment Requirements**

OHV equipment requirements will be in accordance with ARS 28-1179.

#### **10.44.030 Parental Supervision**

An unlicensed off-road vehicle shall not be operated by a person under the age of sixteen unless that person is being supervised by his parent, and it shall be unlawful for the parent to allow such operation without direct supervision required in this chapter.

#### **10.44.040 Off-Limits Area Designation**

The City shall designate such off-limits areas by approving a map delineating those areas by resolution of the city council. These areas shall include all public parks in the city limits.

## **Chapter 10.48 PROCESSIONS**

### **10.48.010 Funeral Processions**

- A. A funeral procession composed of a procession of motor or horse driven vehicles may be escorted by a Cottonwood police officer or a professional escort service, and the funeral director shall be responsible for payment of the costs incurred for such escort.
- B. Each driver in a funeral procession shall drive with the vehicle's headlights on and shall drive as near to the right hand edge of the roadway as possible, following as closely to the vehicle directly ahead as is safe and prudent.

## **Chapter 10.52 PEDESTRIAN REGULATIONS**

### **10.52.010 Violations**

- A. Crossing Roadway: Except in a crosswalk, no pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb. Every pedestrian crossing a roadway at any point other than within a marked or unmarked crosswalk shall yield the right-of-way to all vehicles upon the roadway.
- B. A pedestrian shall not cross a roadway where prohibited by appropriate signs, markings, devices, or by law.
- C. It is unlawful for any person to stand in a public roadway, street, or on a sidewalk, within the city limits for the purpose of soliciting a ride from the driver of any vehicle.
- D. No person shall stand on a street, roadway, or sidewalk and solicit, or attempt to solicit, employment, business, or contributions from the occupant of any vehicle except where permitted for sign walkers in conformance with applicable sections of the Cottonwood Zoning Ordinance, including, but not limited to, Section 405.E.13., Walking Sign.

## **Chapter 10.56 PENALTIES**

### **10.56.010 Penalty**

Any violation of Title 10 shall constitute a civil traffic violation. Any person violating, failing to perform, or refusing to perform any of the provisions of this chapter shall be liable for the imposition of a civil sanction not to exceed two hundred fifty dollars (\$250) plus amounts levied by the municipal court for penalty assessments according to Arizona State Law.

### **10.56.020 Fine Schedule**

Presumptive fines for violations of this code will be established by a determination of a fine schedule adopted by the City Council not to exceed the maximum civil sanctions. The fine schedule will establish a presumptive minimum fine amount for violations not listed on the schedule. The city magistrate shall have the discretion to reduce or suspend any portion of the sanction imposed by this section.